

Exhibit A

**Fallbrook Airport Advisory Committee
Special Meeting August 29, 2011
Item #4
Proposed Parachute Operations - Skydive America**

Background

Skydive America started operations at Fallbrook Airpark in May 2011. On airport operations consisted on a sublease of a hangar to store the aircraft and pack parachutes in. They would load passengers, take off, drop in an off airport Drop Zone location approved by FAA Flight Standards District Office (FSDO) and land back at the airport.

The off-airport Drop Zone moved several times in response to airport/pilot/military concerns. The most recent location, adjacent to the airport was stopped due to County Code Enforcement action.

Proposed Operations

After the August 1, 2011 FAAC meeting Eric Hartung, Owner Operator of Skydive America submitted an application to County Airports to establish a drop zone on airport property. If the proposal was approved an Airport Use Permit would be issued by the County Airports Director.

Skydive America proposed to conduct tandem operations at Fallbrook Airpark. The proposed operations would take place from 8 am to sunset, by appointment only. The drops would be for 2 students at a time and up to 1 trip to altitude per hour.

The proposal includes customer staging in the viewing area where they complete their paperwork, which includes liability, release waiver, and weigh in. Customers would go through a safety training course and then would be escorted to the aircraft by Skydive America staff.

All operations would announce over Fallbrook Airpark traffic frequency 123.05 as well as with TRACON and on the MCAS Camp Pendleton Air Traffic Control frequency. After takeoff the plane will use the same established flight path everyday so it would be familiar to pilots. The proposed flight path would be straight out, in a southerly direction to 1,200 ft., approximately 5 miles and then left turn, heading east to 2,400 ft, approximately 10 miles, turning left, heading north towards Rainbow to 3,500 ft, approximately 10 miles, turning left, west to 4,700 feet approximately 7 miles and then left, south about 4 miles on jump run to 7,500 ft.

A two minute warning announced over on 123.05 and on exit. Jumpers would exit over Camp Pendleton and land on the airport. The Drop Zone would be located on the airport south of L18. After the jump they would be escorted to the hangar and then, finally back to the viewing area. Ground staff would be required to be trained in radio communication and would assist in communication with pilots.

Review Process

County staff established a Safety Action Committee of subject matter experts to review the proposal, review federal guidelines, seek input from federal agencies.

The committee included seven airport professionals with combined aviation experience of over 115 years in areas such as Air Traffic Control, Aviation Management, Airport Operations, Parachute Ops, Drop Zone Safety Officer and FAA Compliance.

Fair consideration was given, as would be to any aviation proposal at County Airports, to determine if the proposed operation was consistent with Federal guidelines and could be safely conducted at County Airports.

Federal Guidelines

One reason this is so complicated is County Airports are subject to federal regulations. As an airport deeded to the County through the Surplus Land Act in 1963 and 1968 and an airport receiving federal grants funds the airport is required to make its airport available as an airport for public use on reasonable terms and without unjust discrimination.

The FAA's Airport Compliance Program ensures airport sponsors comply with the Federal obligations they assume when they accept Federal grant funds or the transfer of Federal property for airport purposes. The program serves to protect the public interest in civil aviation and ensure compliance with applicable Federal laws, FAA rules, and policies.

Some of the federal regulations that address this issue are:

Title 14 Code of Federal Regulations Part 105 Parachute Operations; and AC 105-2C, Sport Parachute Jumping

This pertains to Parachute operations and would be included in any Airport Use permit. This regulation states:

No person may conduct a parachute and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, if that operation creates a hazard to air traffic or to persons or property on the surface.

No person may conduct parachute operations, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over and onto any airport unless – . . .

...(b) For airports without an operating tower, prior approval has been obtained from the management of the airport to conduct parachute over or on that airport.

Grant Assurances

When airport owners or sponsors, planning agencies, or other organizations accept funds from FAA-administered airport financial assistance programs, they must agree to certain obligations (or assurances)

Particularly applicable in this matter is Grant Assurance 22, Economic Nondiscrimination, of the prescribed sponsor assurances, which implements the provisions of 49 United States Code (U.S.C.) § 47107(a) (1) through (6).

Grant Assurance 22(a) requires that the sponsor of a federally obligated airport: *...will make its airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds, and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.*

Grant Assurance 22(h) provides that the sponsor:

...may establish such reasonable and not unjustly discriminatory conditions to be met by all users of the airport

FAA Federal Order 5190.6B - Airport Compliance Manual - Chapter 14. Restrictions Based on Safety and Efficiency Procedures and Organization

This manual explains that “While the airport sponsor must allow use of its airport by all types, kinds, and classes of aeronautical activity, as well as by the general public, Grant Assurance 22, *Economic Nondiscrimination*, also provides for a limited exception: *“the airport sponsor may prohibit or limit any given type, kind, or class of aeronautical use of the airport if such action is reasonable and necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.”* A prohibition or limit may be based on safety or on a conflict between classes or types of operations.”

However, the manual goes on to state: *The FAA, not the sponsor, is the authority to approve or disapprove aeronautical restrictions based on safety and/or efficiency at federally obligated airports.*

Fallbrook Community Airpark

Fallbrook Airpark is a 290-acre publicly owned facility that serves the aviation need of Fallbrook and surrounding areas of northern San Diego County. The Master plan for Fallbrook Airpark completed in 2006, identified multiple areas of concern that could improve the safety of the airpark, including safety areas,

separation, longitudinal grades, and runway taxiway separation. The master plan recommended projects to address several of the areas. County staff has been completing environmental assessment and design for improvement projects to address these needs. The Airport Capital Improvement Plan for 2012 to 2016 includes plans for \$5.6 mil in improvements to Fallbrook Airpark to address these concerns.

Traffic Counts

Traffic Counts for Fallbrook Community Airport was 20,320 for 2010 making it the fourth busiest County Airport. However this statistic only tells part of the story. In addition to Fallbrook traffic there are over 10,000 annual military operations in this corridor to and from adjacent Camp Pendleton, making the airspace more congested than traffic counts alone would indicate. Typical Fallbrook Airpark traffic is normally at lower altitudes, below 4,000 ft, that do not impact the military traffic.

Sherriff's Fire Helicopter

In addition, there are emergency sheriffs fire helicopter based at the airpark. These operations, especially during fire season, further complicate traffic patterns at the airport.

Staff Preliminary Recommendation

After carefully reviewing the above information County Airports has determined that the proposed drop zone on the airport is not a good idea for because Fallbrook Airpark does not meet many FAA design and safety compliance standards that are in the process of being corrected. In addition the airport Operating area is congested and therefore adding this type of operation onto the current land area is not advisable. It has been determined there is adequate justification to limit Skydive activities by not providing an on airport drop zone that will impact traffic patterns at the airport.

Skydive America may continue customer staging, take offs and landing at the airport but must locate another drop zone, off airport property and in conformance with land use regulations.

Skydive America currently has a commercial sublease at L18 which may continue. Also if they wish to continue customer staging on unleased land at the airport in the viewing area, an Airport Use Permit will be issued. The staging area could include shade tents and/or trailer and use of golf cart to transport customers to the aircraft. Any Airport Use Permit would address areas of concern such as employee conduct, vehicle safety, fueling, security and esthetics. If the terms of the permit are not followed, written compliance warnings will be issued and, if problems continue, the permit would be cancelled.

Fallbrook Airpark Advisory Committee

The Committee is advisory to the Board of Supervisors. The committee duties include reviewing and making recommendations regarding issues pertaining to development and operations at Fallbrook Airpark and to provide an open forum between the Community and the County pertaining to Fallbrook Airpark. However, as an advisory committee FAAC's determination is not final.

Because this is a complex and controversial issue staff has not yet finalized its position. It's important to first hear comments from the public and to receive FAAC's advice on this issue.

Other Speakers

Staff will invite Mr. Hartung to come forward and give presentation at this time. He will also be available for questions after the County completes presentation.

Representatives of MCAS Camp Pendleton plan to make a statement.

FSDO representatives will be on hand to address the Committee.

Recommended Motion

This item is listed as a motion item on the agenda. FAAC has the option of approving the recommended motion listed below, or making their own motion, in accordance with their assigned duties.

Recommended Motion: The Fallbrook Airpark Advisory Committee supports staff preliminary position that parachute operation are allowed at Fallbrook Airpark but that permit for a drop zone on airport property not be permitted.

Next Steps

The Committee and the public should be aware this not is a final determination and this matter will ultimately be determined after County considers this meeting's proceedings, FAAC's recommendation, finalizes its position and consults with the FAA compliance office.